

Department of Energy

ROCKY FLATS OFFICE
P O BOX 928
GOLDEN COLORADO 80402-0928

November 23, 1992

92-DOE-13575

ACTION

DIST. LTR ENG

BENJAMIN, A.	
BERMAN, H S	
CARNIVAL, G.J.	
CORDOVA, R C	
CROUCHER, D W	
DAVIS, J G	
FERRERA, D.W.	
HANNI, B.J.	
HEALY, T.J.	
HEDAHIL, T G	X
HILBIG, J.G.	
IDEKER, E.H.	
KIRBY, W.A.	
KUESTER, A W	
LEE, E M	
MANN, H P	
MARX, G.E.	
McKENNA, F.G.	
MORGAN, R V	
PIZZUTO, V.M.	
POTTER, G.L.	
RILEY, J.H.	
SANDLIN, N B	
SATTERWHITE, D G	
SCHUBERT, A.L.	
SETLOCK, G.H.	
SHEPLER, R L	
SULLIVAN, M T	
SWANSON, E H.	
V NSON, R.B	
W. J.M.	
ZANE, J.O	

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Corres Control RFP11-30-92 C
DATE BY

Ref Ltr #

Mr Gary Baughman
Facilities Section
Hazardous Waste Control Program
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4300 Cherry Creek Dr S
Denver CO 80222-1530

Mr Martin Hestmark
Rocky Flats Team
U S Environmental Protection Agency
Region VIII
999 18th Street
Suite 500
Denver, CO 80202-2466

Dear Messrs Baughman and Hestmark

We wish to thank you and your staffs for meeting with the Department of Energy/Rocky Flats Office (DOE/RFO) and EG&G technical staffs on November 16, 1992, concerning the issue of placing pond management under an Interim Measure/Interim Remedial Action (IM/IRA). DOE/RFO remains perplexed about the basis for the direction from your offices. As we stated in our November 9, 1992, letter, and discussed at our November 16 meeting, the ponds continue to be in compliance with permit limitations imposed under the existing National Pollutant Discharge Elimination System (NPDES) permit.

In order to facilitate discussion to clarify EPA and CDH positions on the direction to prepare an IM/IRA, DOE/RFO will conditionally withdraw the invocation of the Dispute Resolution Process under the Interagency Agreement (IAG). DOE/RFO has made this decision "without prejudice". Further, DOE/RFO preserves its position, and reserves the right to re-invoke the process if DOE/RFO deems it is warranted. RFO is initiating this action to allow time for dialogue between the affected parties outside of the time constraints imposed by the dispute resolution process.

DOE/RFO requests a meeting with EPA and CDH in the near future to discuss several issues of concern which need clarification. Several of these key issues are.

1. Since pond water quality generally meets the limits imposed by the NPDES permit, why does EPA/CDH feel an IM/IRA is a more effective method for managing the ponds and surface water?
2. Implementation of an IM/IRA is normally reserved for a situation where there is an emergency or an imminent threat of release. Since the waters meet Segment 4 water quality standards, seemingly there is no emergency or imminent threat of a release. The need for an IM/IRA, from DOE'S perspective, is not clearly warranted. The ponds are operating very well under the NPDES permit, why is EPA/CDH requesting the development of an IM/IRA?



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- 3 Since characterization of the ponds in Operable Units 5 and 6 has just been initiated, an IM/IRA at this time may be premature
- 4 In order for DOE/RFO to understand the potential impacts of pond management under the IM/IRA, we need to know what EPA/CDH envision as the scope of this action. IM/IRA alternatives are to be identified cooperatively among the parties, and requirements for IM/IRAs, as stated under Paragraph 150 of the IAG, are to be negotiated with EPA and CDH.

DOE/RFO feels that a meeting between our office, EPA, and CDH is the next necessary step for your agencies to explain the reasons, basis, and elements proposed for an IM/IRA. Clarification of the positions of EPA and CDH in regard to the need for directing RFO to prepare an IM/IRA may nullify our concerns, and allow us to proceed with the scoping of an IM/IRA. In order to reach this common understanding, we are ready to meet in the near future to discuss these issues.

If you have any questions, please call me at 966-5918

Sincerely,


James K. Hartman
Assistant Manager
for Environmental Management

cc.
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C Franklin, EMB, RFO
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J Sweeney, GC-11, HQ
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A Dasti, DP-6.1, HQ
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T Hedahl, EWM, EG&G
B Fiehweg, SWD, EG&G
D Ward, GC, EG&G